



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Assistant Secretary for Health
Office of Public Health and Science
Office of Population Affairs
Washington, D.C. 20201

Date: January 12, 1999

From: Deputy Assistant Secretary for Population Affairs

Subject: OPA Program Instruction Series, OPA 99-1: Compliance with State Reporting Laws

To: Regional Health Administrators, Regions I-X

The Fiscal Year 1999 Omnibus Appropriations bill (P.L. 105-277) contains new language governing the use of Title X funds. Specifically section 219 states,

Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification, or reporting of child abuse, child molestation, sexual abuse, rape, or incest.

This memorandum is intended to serve as a formal notice to the regional offices, as well as Title X grantees, concerning compliance with State reporting laws. A copy of this memorandum should be provided to all Title X grantees in your region, and Title X providers should refer to this memorandum as needed, if questions in this area arise.

The language of section 219 means that Title X providers must report such incidents to the appropriate State authority in accordance with requirements imposed by State laws. The reporting and notification requirements referenced in section 219 concern State laws; the authority to enforce compliance with such laws lies with the States. It is therefore important that grantees review and be familiar with the relevant reporting requirements in their individual State. Because State laws vary, it is not possible for this office to provide more specific guidance as to the requirements of particular States' laws; grantees are urged to consult with their own attorneys for specific guidance.

Identified instances of child abuse, child molestation, sexual abuse, rape, or incest present serious medical and psychological situations for patients and their families. Findings of such instances coming within the applicable State law should be documented in the medical record and reported as required by the applicable State requirements. The Office of Population Affairs encourages efforts to augment existing training programs for Title X providers to ensure optimal medical assistance in such situations. Grantees should fully understand their obligations under State law related to reporting when such acts or actions are disclosed, and they should review current protocols for responding to such reports. We

also encourage enhanced counseling and education efforts targeted to the unique needs of adolescents. Title X providers are encouraged to continue to work at the local level in an interdisciplinary manner with other local health care providers who may also have reporting obligations under State law, law enforcement officials, child protective services, social service experts and others in order to explore how best to respond to these situations. To accomplish this, regional offices and Title X grantees are encouraged to utilize resources available through the regional training centers and the technical assistance contractor, as well as other available resources.

We appreciate your continued cooperation in assuring that grantees are aware of their obligations and hope this memorandum provides clarification on this matter.

/s/

Denese Shervington, M.D., M.P.H.

cc: Regional Program Consultants, Regions I-X